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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

14 Julie A. Su,
15 Acting Secretary of Labor,
16 United States Department of Labor,

17 Plaintiff,

18 vs.

19 **NAB LLC d/b/a NAB NAIL SALON d/b/a**
20 **NAB NAIL BAR**, a Nevada limited liability
21 corporation, **ASIA TRINH**, an individual and
22 managing agent of the Corporate Defendant,
23 **NICOLE BROWN**, an individual and managing
24 agent of the Corporate Defendant,

25 Defendants.

Case No.: 2:21-cv-00984-JAD-VCF

**UNOPPOSED MOTION TO STRIKE
ECF NO. 64.**

The Acting Secretary requests that the Court strike ECF No. 64 because the filing is rendered moot. On August 30, 2023, Defendant Trinh, who was unrepresented at the time, filed a “Motion for Summary Judgment.”¹ *See* ECF No. 64. The document itself, however, is titled “Response to the Secretary of Labor [sic] Motion for Sanctions.” *Id.* Shortly thereafter, on September 11, 2023, Defendants retained new counsel. *See* ECF No. 68. On September 14, 2023, the Acting Secretary was advised by Defendants’ counsel that Defendant Trinh inadvertently filed ECF No. 64 as a motion for summary judgment rather than an opposition to the Acting Secretary’s Motion for Sanctions. On September 20, 2023, Defendants’ counsel filed an opposition to the Acting Secretary’s Motion for Sanctions on behalf of Defendants. *See* ECF No. 71. The undersigned counsel, upon conferring with Defendants’ counsel, was advised that Defendants’ counsels’ September 20, 2023 opposition (ECF No. 71) renders Defendant Trinh’s attempted opposition (ECF No. 64) moot, and the motion to strike herein is unopposed. The Acting Secretary therefore requests that the Court strike ECF No. 64.

Dated: September 29, 2023

Respectfully submitted,

SEEMA NANDA
Solicitor of Labor

MARC A. PILOTIN
Regional Solicitor

ANDREW SCHULTZ
Counsel for Wage and Hour

IT IS SO ORDERED.

KATHRYN A. PANACCIONE

IT IS FURTHER ORDERED that Plaintiff’s Motion for Summary Judgment (ECF No. 64) is struck from the record.

/s/Paige B. Pulley
Paige B. Pulley
Trial Attorneys
Attorneys for Plaintiff


U.S. MAGISTRATE JUDGE

Dated: October 2, 2023

¹ If ECF No. 64 was intended as a motion for summary judgment it should be stricken for failure to comply with Local Rule 56-1 and Federal Rule of Civil Procedure 56(b).